

CHAPTER 2 DEFINITIONS

2.01 Definitions

Unless specifically defined below, words or phrases used in these Regulations shall be interpreted so as to give them the meaning they have in common usage and to give these Regulations their most reasonable application.

Act - Montana Floodplain and Floodway Management Act, 76-5-101 through 406, MCA.

Alterations - Any change or addition to a structure that either increases its external dimensions or increases its potential flood hazard.

Appeal - A request for a review of the interpretation of the Floodplain Administrator of any provision of these Regulations or a request for a variance.

Area of Special Flood Hazard - The land in the floodplain within the community subject to inundation by a one percent (1%) or greater chance of flood in any given year, i.e. the 100-year floodplain.

Artificial Obstruction - Development - Any obstruction which is not natural and includes any dam, diversion, wall, riprap, embankment, levee, dike, pile, abutment, projection, revetment, excavation, channel rectification, bridge, conduit, culvert, building, refuse, automobile body, fill or other analogous structure or matter in, along, across or projecting into any 100-year flood plain which may impede, retard or alter the pattern of flow of water, either in itself or by catching or collecting debris carried by the water, or that is placed where the natural flow of water would carry the same downstream to the damage or detriment of either life or property.

Base Flood - A flood having a one percent (1%) chance of being equaled or exceeded in any given year. A base flood is the same as a 100-year flood.

Base Flood Elevation - The elevation above sea level of the base in relation to National Geodetic Vertical Datum of 1929 unless otherwise specified in the flood hazard study.

Channelization Project - The excavation and/or construction of an artificial channel for the purpose of diverting the entire flow of a stream from its established course.

Establish - To construct, place, insert or excavate.

Existing Manufactured Home Park or Subdivision - A manufactured home park or subdivision where the construction of facilities for servicing the manufactured homes lots is completed before the effective date of the floodplain management regulations. This includes, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

FEMA -- The Federal Emergency Management Agency

Flood or Flooding - A general and temporary condition of partial or complete inundation of normally dry lands from the overflow of a stream, or the unusual and rapid accumulation or runoff of surface waters from any source.

Floodplain - The areas subject to these regulations, generally adjoining a stream, which would be covered by floodwater of a base flood except for designated shallow flooding areas that receive less than one foot of water per occurrence. The floodplain consists of a floodway and floodway fringe.

Floodway - The channel of a stream and the adjacent overbank areas that must be reserved in order to discharge a base flood without cumulatively increasing the water surface elevation more than one-half (1/2) foot.

Floodway Fringe - That portion of the floodplain outside the limits of the floodway.

Levee - A man-made embankment, usually earthen, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water to provide protection from temporary flooding.

Levee System - A flood protection system that consists of a levee, or levees, and associated structures, such as drainage and closure devices, which are constructed and operated in accordance with sound engineering practices.

Flood Insurance Rate Map - The map on which the Federal Emergency Management Agency has delineated both the 100-year floodplains and the risk premium zones.

Flood Insurance Study - The report in which the Federal Emergency Management Agency has provided flood profiles, as well as the Flood Boundary and Floodway Map and the water surface profiles.

Lowest Floor (Elevation) - Any floor used for living purposes, storage or recreation. This includes any floor that could be converted to such a use.

Manufactured Home - A structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. This does not include "recreational vehicles."

Manufactured Home Park or Subdivision - A parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level - The National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which base flood elevations are referenced.

New Construction - Structures for which the start of construction, substantial improvement or alteration commences on or after the effective date of these Regulations.

Permit Issuing Authority - Gallatin County.

Recreational Vehicle Park or Campground - A parcel or contiguous parcels of land divided into two or more recreational vehicle spaces for rent or sale.

Riprap - Stone, rocks, concrete blocks or analogous material that is placed along the banks or bed of a stream for the purpose of alleviating erosion.

Start of Construction - Commencement of clearing, grading, filling, or excavating to prepare a site for construction.

Structure - A walled and roofed building, manufactured home, (or) a gas or liquid storage tank, bridge, culvert, dam, diversion, wall, revetment, dike, or other projection that may impede, retard, or alter the pattern of flow of water.

Substantial Damage - Damage sustained by a structure where the cost of restoring the structure to its condition before damage would equal 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement - Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:

- (1) before the improvement or repair is started, or
- (2) if the structure has been damaged, and is being restored, before the damage occurred.

For the purposes of this definition, substantial improvement is considered to occur when the first construction to any wall, ceiling, floor or other structural part of the building commences. A substantial improvement differs from the alteration of a structure in that it is not defined to including decreasing or affecting the external dimensions of the structure. Their term also does not include either:

- (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions,
- (2) any alteration of a structure listed on the National Register of Historic Places or State Inventory of Historic Places.

Suitable Fill - Fill material which is stable, compacted, well graded, pervious, generally unaffected by water and frost, devoid of trash or similar foreign matter, and tree stumps or other organic material; and is fitted for the purpose of supporting the intended use and/or permanent structure.

Variance - A grant or relief from the requirements of these regulations which would permit construction in a manner that would otherwise be prohibited by these Regulations.

Violation - The failure of a structure or other development to be fully compliant with these regulations. A structure or other development without elevation certificate, certification by a licensed engineer or architect of compliance with these regulations, or other evidence of compliance is presumed to be in violation until such time as documentation is provided.

100 - Year Flood - A flood having a one percent (1 %) chance of being equaled or exceeded in any given year. A 100-year flood has nearly a 23 percent chance of occurring in a 25-year period. A 100-year flood is the same as a base flood.